

REMARKS

DOUBLE PATENTING

Claims 1-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 16-58 of copending Application No.: 12/235427. The Applicant respectfully disagrees and requests that the Examiner reconsider, especially in view of the amendments presented herein. However, in order to expedite this matter, a terminal disclaimer addressing this issue is included herein.

Claims 1-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 16, 19-39 and 110 of copending Application No.: 10/614807. The Applicant respectfully disagrees and requests that the Examiner reconsider, especially in view of the amendments presented herein. However, in order to expedite this matter, a terminal disclaimer addressing this issue is included herein.

CLAIM OBJECTIONS

Claim 12 is objected to under 37 CFR 1.75, as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Applicant thanks the Examiner for such a thorough review of the claims and notes that the current claims corrects the typographical error in original claim 12.

35 USC §103

Claims 1-24 are rejected under 35 USC §103(a) as being unpatentable over JP 2002-069550, JP 04342159 or JP 10287939.

Claims 1-8 and 11-24 are rejected under 35 USC §103(a) as being unpatentable over JP 2002-0475520 or US 2004/0101781.

The Applicant respectfully disagrees, especially in view of the amendments presented herein.

The Applicant first wants to note that the copper embodiments comprising silver have been removed from these current claims, primarily in order to keep the tin-based embodiments separate from the silver-based embodiments, where tin or silver are the first added elements. It should be understood that the Applicant is not deleting silver from the claims primarily in order to circumvent cited references, but is instead trying to focus the examination on tin as the first added element. Once these claims are allowed, the Applicant will file divisional claims directed to the silver-based embodiments, where silver is the first, second or third added element.

Second, the Examiner's comment regarding one of ordinary skill in the art just picking and choosing among all of the elements to add to a sputtering target is overstatement. In all of the cited references, different groups of elements are added to achieve different results – whether it's corrosion resistance, adhesion to other layers, electrical discharge characteristics, etc. Therefore, one of ordinary skill in the art is going to choose those elements that work in concert with copper and tin to achieve the desired results for the sputtering target (lack of warpage, ability to withstand heat) or the sputtered layer (ability to adhere, not corrode, have increased electrical properties, etc.). The Examiner has not provided any specific statement, for example, as to why one of ordinary skill in the art would read any of these references – with their specific and confined list of additional elements – and consider that other elements outside of those confined lists would be appropriate.

All of this information being said, the Applicant herein amends claim 1 to show that the first added element is tin. The second, and in some cases, the third added elements are designed to work with tin to provide a copper sputtering target that is superior to those in the cited art. In addition, all of the references teach different combinations of elements but none of the references teach, disclose or suggest a copper target comprising tin as a first added element, along with a second added element from the group consisting of Al, As, Au, B, Be, Ca, Cd, Co, Cr, Fe, Ga, Ge, Hf, Hg, Ir, Li, Mg, Mn, Nb, Ni, Pb, Pd, Pt, Sb, Sc, Si, Ta, Te, V, W, and Zn; or a third added element selected from the group consisting of Al, As, Au, B, Be, Ca, Cd, Co, Cr, Fe, Ga, Ge, Hf, Hg, In, Ir, Li, Mg, Mn, Nb, Ni, Pb, Pd, Pt, Sb, Sc, Si, Ta, Te, V, W, and Zn.

REQUEST FOR ALLOWANCE

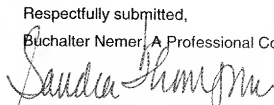
Claims 1-6 and 8-24 are pending in this application and the Applicant respectfully requests that the Examiner reconsider the claims in light of the arguments presented and allow all pending claims.

Respectfully submitted,

Buchalter Nemer, A Professional Corp.

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